

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
09-CV-3148 (JMR/AJB)

Doctor's Associates Inc. )  
                          )  
                          )  
                          ) ORDER  
                          )  
v.                      )  
                          )  
Subway.SY LLC and Hani )  
Kotifani               )

This matter is before the Court on plaintiff's motion for judgment on the pleadings or, in the alternative, summary judgment, pursuant to Federal Rules of Civil Procedure 12(c) and 56. A hearing was held in this matter on April 2, 2010.

Based on the files, records, and proceedings herein, and for the reasons stated at the hearing, IT IS ORDERED that:

1. Plaintiff's motion [Docket No. 10] for summary judgment is granted on its claims for:

- a. Trademark infringement and unfair competition under Sections 32 and 43(a) of the Lanham Act (Counts I & II);
- b. Trademark dilution under 15 U.S.C. § 1125(c)(Count III);
- c. Violation of the Anti-Cybersquatting Consumer Protection Act under 15 U.S.C. § 1125(d)(1)(Count IV); and,
- d. Cancellation of Minnesota Trademark Registration, pursuant to Minn. Stat. § 333.25 (Count V).

2. The Court hereby directs the Clerk of Court to furnish the Minnesota Secretary of State with a copy of this Order.

3. Pursuant to Minn. Stat. § 333.25, the Minnesota Secretary of State is directed to cancel the SUBWAY.SY EAT HEALTHY mark.

4. Plaintiff is granted leave to seek additional relief, by filing a motion and memorandum therefore, on or before April 30, 2010. Defendants may file a response to plaintiff's motion on or before May 14, 2010.

Dated: April 6, 2010

S/JAMES M. ROSENBAUM  
JAMES M. ROSENBAUM  
United States District Judge